

PETITION FOR SPECIAL EXCEPTION

85-141-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A trailer as a residence

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Address: _____
Phone No.: _____

Legal Owner(s):
Calvin M. Breeden
(Type or Print Name)
Signature: *Calvin M. Breeden*
Sophia Breeden
(Type or Print Name)
Signature: *Sophia Breeden*
Wife
Work # 955-5239
1103 Tace Drive, Apt. 3C 391-3317
Baltimore, MD 21221
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name: _____
Address: _____
Phone No.: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day of _____, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1984, at _____ o'clock _____ A.M.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

B.C.O.-No. 1 (over)

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE

PETITION AND SITE PLAN
EVALUATION COMMENTS

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 13, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Calvin M. Breeden
1103 Tace Drive, Apt. 3-C
Baltimore, Maryland 21221

RE: Item No. 81 - Case No. 85-141-X
Petitioner - Calvin M. Breeden
Special Exception Petition

Dear Mr. Breeden:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Connodari
NICHOLAS B. CONNODARI
Chairman
Zoning Plans Advisory Committee

NEC:bsc

Enclosures

cc: A. L. Snyder
1911 Hanover Pike
Hampstead, Md. 21074



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

November 1, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #81 (1984-1985)
Property Owner: Calvin M. Breeden
N/W Resh Mill Rd. 2850' N/E Falls Rd.
Acre: 2.35
District: 6th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

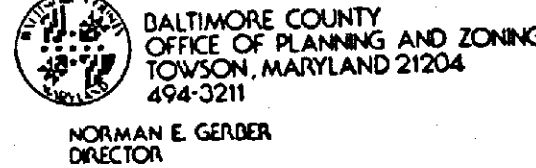
General Comments:

As no public facilities are involved, this office has no comment.

Very truly yours,

James A. Markle
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:EAM:ROP:iss



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 10/2/84
Item # 81
Property Owner: Calvin M. Breeden
Location: N/W Resh Mill Rd. 2850' N/E Falls Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☐ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☐ The access is not satisfactory.
- ☐ The circulation on this site is not satisfactory.
- ☐ The parking arrangement is not satisfactory.
- ☐ Parking calculations must be shown on the plan.
- ☐ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☐ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☐ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☐ The amended Development Plan was approved by the Planning Board on _____.
- ☐ Landscaping should be provided on this site and shown on the plan.
- ☐ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- ☐ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☐ Additional comments: _____

Eugene A. Boker
Eugene A. Boker
Chief, Current Planning and Development

cc: James Howell



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

October 16, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 80(81) 82, 83, and 84 ZAC- Meeting of October 2, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

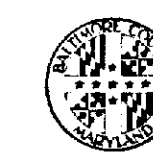
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 80, 81, 82, 83, and 84.

MSP/ocm

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

October 26, 1984

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Connodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Calvin M. Breeden

Location: NW/S Resh Mill Road 2850' N/E Falls Road

Item No.: 81 Zoning Agenda: Meeting of 10/2/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved: *George M. Hargrett*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this _____ day of _____, 1984.

Arnold Jablon
Arnold Jablon
Zoning Commissioner

Petitioner: Calvin M. Breeden
Petitioner's Attorney: _____
Received by: *Nicholas B. Connodari*
Chairman, Zoning Plans Advisory Committee

APR 1 1985

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

To: The Zoning Commissioner of Baltimore County
111 W. Chesapeake Ave. Towson, Maryland 21204
Subject: Letter of Petition Concerning Case No. 85-141-X

We, the undersigned, present this petition to the Zoning Commissioner of Baltimore County to protest the proposed zoning exception to allow a trailer as a residence on Resh Mill Road, Sixth District, Baltimore County, Maryland.

It is our opinion that the proposed exception would have the effect of reducing property values on Resh Mill Road and in the immediately surrounding area.

All recent housing construction in this area has been high quality with substantial investment by the owners. Older residences are of high quality and have high assessed values, with the exception of one old farm house.

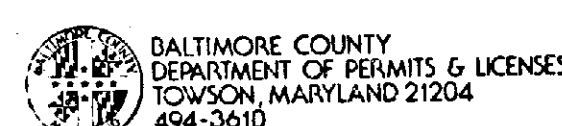
We do not want to allow any exception which would potentially have the effect of putting our own substantial investments in jeopardy.

This exception would also set a precedent which could seriously erode our property values even further in the future.

By: James L. Hewitt 19414 Resh Mill Road
Edward E. Egan 19422 Resh Mill Road
Shirley A. Hewitt 19414 " " "
Chas. E. Butcher 19514 " " "
Edward A. Butcher 19514 " " "
Charles D. Egan 19402 " " "
Henry D. Egan 19402 " " "
Richard H. Sanders 19701 GRAYES-RUN RD
Kathy Sanders 19701 GRAYES-RUN RD
Ervin M. Egan 19600 GRAYES-RUN RD
Edna J. Egan 3402 Resh Mill Road
Richard J. Egan 3390 Resh Mill Rd.
Art M. Egan 19531 Resh Mill Rd
Helen Egan 19404 Resh Mill Rd
James E. Egan 19404 Resh Mill Rd
Donna S. Egan 19404 Resh Mill Rd

November 13, 1984

PROTESTANT'S
EXHIBIT 1



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

October 23, 1984

TED LAESKI, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 81 Zoning Advisory Committee Meeting are as follows:

Property Owner: Calvin M. Breeden
Location: NW/4 Resh Mill Road 2850' N/E Falls Road
Zoning: R-1, U
Proposed Zoning: Special exception for a trailer.

Area: 2.55
District: 6th.

The items checked below are applicable:

☒ All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

☐ A building permit shall be required before beginning construction.

☐ Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

☐ Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

☐ An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction. No openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, Line 2, Section 407 and Table 402, also Section 503.2.

☐ Requested variance appears to conflict with the Baltimore County Building Code, Section/s

☐ A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

☐ Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

SPECIAL NOTE: 1. Comments - Mobile homes shall comply with Section 623.1 as most mobile homes cannot comply with Building Code Requirements for dwellings. They do not require a Mobile Home Permit and they are required to be anchored down as per the manufacturers instructions as noted in 623.3.1. For further information contact Mr. Joseph Nolan, Assistant Buildings Engineer of Baltimore County.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Egan
Charles E. Egan, Chief
Plans Review

CES:es

A. L. Pryor
Surveyor
1911 Avenue Pike
Hampstead, Maryland 21074

(301) 933-7744

(301) 933-5791

Description for Zoning Variance

September 5, 1984

Being known as Lot 1 of Resh Mill Farms and described as follows.

Beginning for the same on the northwest side of Resh

Mill Road, 2850 feet northeast of Falls Road and running thence:

1.) S 80° 07' 27" W 327.90 feet, thence

2.) N 20° 18' 25" W 385.00 feet, thence

3.) S 77° 04' 54" E 503.51 feet thence

4.) by a curve to the left with a radius of

350.00 feet and a distance along the arc 46.66 feet

thence

5.) S 09° 23' 53" W 155.57 feet to the place of

beginning.

Containing 2.55 acres of land more or less.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: November 9, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Zoning Petition Nos. 85-140-A,
SUBJECT: 85-141-X and 85-142-X

There are no comprehensive planning factors requiring comment on these petitions.

NEG/JGH/sf

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NW/4 of Resh Mill Rd., 2850' NE : OF BALTIMORE COUNTY
of Falls Rd., 6th District :
CALVIN M. BREEDEN, et ux, : Case No. 85-141-X
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 29th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. Calvin M. Breeden, 1103 Tace Dr., Apt. 3C, Baltimore, MD 21221, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

October 18, 1984

Mr. and Mrs. Calvin M. Breeden
1103 Tace Drive, Apt. 3C
Baltimore, Maryland 21221

NOTICE OF HEARING

RE: Petition for Special Hearing
NW/4 of Resh Mill Road, 2850'
NE of Falls Rd.
Calvin M. Breeden, et ux - Petitioners
Case No. 85-141-X

TIME: 10:15 a.m.

DATE: Monday, November 19, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 133292

DATE: 11/13/84 ACCOUNT: 85-141-X-00

AMOUNT: 35.00

RECEIVED: 11/13/84 FOR: Phyllis Cole Friedman

6 874*****35001a 8184F

VALIDATION OR SIGNATURE OF CASHIER

APR 1 1985

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 6th Date of Posting: 11-2-84

Posted for: Special Exception

Petitioner: Calvin M. Breeden

Location of property: NW/4 Resh Mill Rd, 2850 NE of Falls Rd

Location of Sign: NW/4 Resh Mill Rd, approx 2950 NE of Falls Rd

Remarks: _____

Posted by: A. J. Arnold Date of return: 11-9-84

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 1, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 1, 1984.

THE JEFFERSONIAN,
Publisher

Cost of Advertising 18⁰⁰

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 9, 1984

Mr. and Mrs. Calvin M. Breeden
1103 Tace Drive, Apt. 3C
Baltimore, Maryland 21221

RE: Petition for Special Hearing
NW/4 Resh Mill Rd., 2850' NE
of Falls Rd.
Calvin M. Breeden, et ux - Petitioners
Case No. 85-141-X

Dear Mr. and Mrs. Breeden:

This is to advise you that \$45.76 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,
A. J. Arnold
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 135863

DATE: Nov 19, 1984 ACCOUNT: 8-11-615-12-1

AMOUNT: \$45.76

RECEIVED FROM: Calvin M. Breeden

FOR: Advertising & Posting of Sign

6 022*****457614 1984

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION SPECIAL EXCEPTION
NW/4 of Resh Mill Road,
2,850' NE of Falls Road -
6th Election District
Calvin M. Breeden, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-141-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to locate a residential trailer on their property, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. James L. Hewitt and Mark Petrucci appeared as Protestants, as did others, and testified in opposition.

Testimony indicated that the Petitioners purchased their property, zoned R.C.4, which contains approximately 2.5 acres on Resh Mill Road, for the express purpose of building their home. The Petitioners will construct the home themselves with some subcontracting, and they believe it will be easier and quicker to locate a trailer on the property for their residential use while the home is being constructed. They stated that the trailer will be removed as soon as the home is completed and that it will be used only for their residence. The Petitioners presently live in Essex, and the time and distance between their home and the new location would make it impractical to do the construction themselves and would cause a tremendous increase in cost. The trailer would be set back about 50 feet from the road, about 90 feet from the right side property line and about 163 feet from the left side property line. The house will be constructed immediately to the left of the proposed trailer site.

The Protestants argued that the trailer will cause a decrease in property values and are concerned that the trailer will become permanent. One

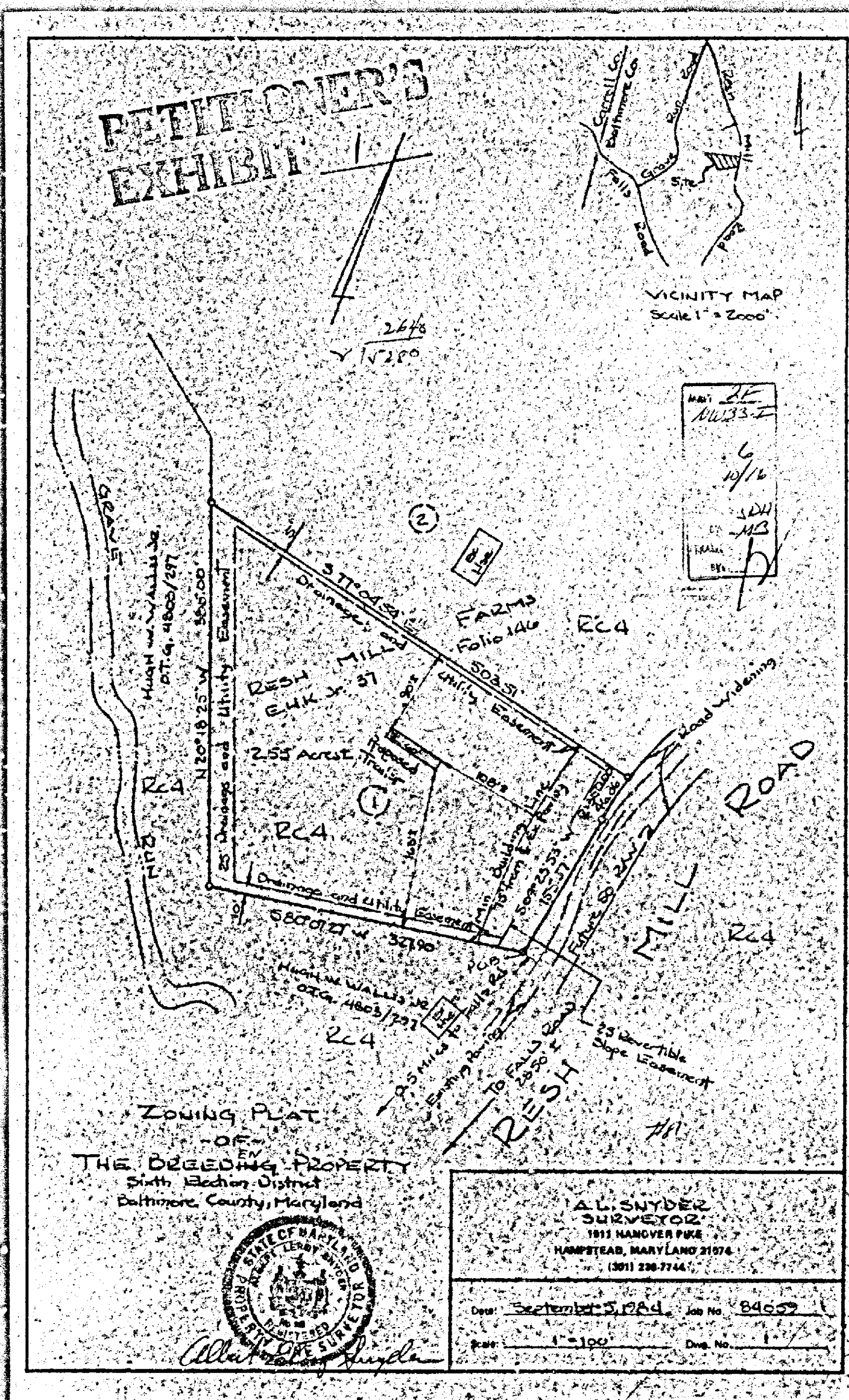
CERTIFICATE OF PUBLICATION

Towson, Md. 12/5/84

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 publication appearing on the 31 day of 1984.

The TOWSON TIMES
Publisher

Cost of Advertisement: \$22.26



to locate a residential trailer on the subject property be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The Petitioners may apply for their trailer permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- The trailer shall not be located on the property before February 1, 1985 and shall be removed on or before April 1, 1987.
- The trailer shall be utilized solely for residential purposes by the Petitioners.
- The trailer shall satisfy all County building and health code requirements.

A. J. Arnold
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Calvin M. Breeden
James L. Hewitt
People's Counsel

ORDER RECEIVED FOR FILING
DATE: November 29, 1984
BY: A. J. Arnold

1/16
s/he w/ Pet -
said trailer was
never shown
cannot determine
s/he is
in CD complaint
s/he, then
Attorney assigned

Protestant, Mrs. Petrucci, fears that the area will turn into a "high class trailer park."

The Petitioners seek relief from Section 103.3.B.2 and 415.1.d, pursuant to Section 502.1, Baltimore County Zoning Regulations (BCZR).

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for should be granted, with certain restrictions as more fully described below.

The Petitioners have the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioners do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of November, 1984, that the Petition for Special Exception